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| APPLICATION NO.                   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------------------------|-------------|----------------------|---------------------|------------------|
| 10/722,810                        | 11/26/2003  | Steven R. Latham     | 560043620644        | 8119             |
| 28997                             | 7590        | 08/15/2006           |                     |                  |
| HARNESSE, DICKEY, & PIERCE, P.L.C |             |                      |                     |                  |
| 7700 BONHOMME, STE 400            |             |                      |                     |                  |
| ST. LOUIS, MO 63105               |             |                      |                     |                  |
| EXAMINER                          |             |                      |                     |                  |
| PHAM, MINH CHAU THI               |             |                      |                     |                  |
| ART UNIT                          |             | PAPER NUMBER         |                     |                  |
| 1724                              |             |                      |                     |                  |

DATE MAILED: 08/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/722,810

Applicant(s)

LATHAM ET AL.

Examiner

Minh-Chau T. Pham

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 4, 5, 10, 18-23 and 25-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4-5, 10, 18-23 and 25-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 5, 10, 27-36, 38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al (2004/0187451 A1), in view of Tanaka et al (2004/0168417).

Suzuki et al disclose a filtration system comprising an enclosure with an air flow path formed through the enclosure, a first HEPA filter (5 in Fig. 9, col. 5, paragraph 0133) mounted to the enclosure such that air in the air flow path moves through the first HEPA filter, a second ULPA filter mounted downstream of the first HEPA filter (6 in Fig. 9, col. 5, paragraphs 0133 and 0141), and a fan (7) to move the air passing through the first filter (5) and the second filter (6). Suzuki et al further disclose the enclosure (1) having an inlet (21) for intaking ambient air into the enclosure (1) and an outlet (22) for outputting air from the enclosure (1) (see 21 and 22 in Figs. 10, 12, 17 and 18, page 6, paragraphs 0141 and 0143). Claims 1, 5, 10, 27-36, 38 and 39 differ from the disclosure of Suzuki et al in that the second filter being a water vapor filter or PTFE filter element. Tanaka et al (2004/0168417) discloses an air filter unit such as an HEPA filter and ULPA filter wherein the filter medium can employ a PTFE porous film capable used as a ULPA filter (see col. 3, paragraph 0050 through col. 4, paragraph 0054). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide a PTFE porous film as taught by Tanaka et al in place of the ULPA filter medium in the filtration apparatus of Suzuki et al since it is well known in the art

that the hydrophobic nature of PTFE allowing removal water vapor in the air stream passing through.

Claims 4 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al (2004/0187451 A1), in view of Tanaka et al (2004/0168417), and further in view of either Greisz (5,730,770) or Van Winkle, Sr. (5,942,017).

Claims 4 and 37 call for the particulate filter being cleanable or washable. Greisz discloses a filter capable of capturing particles (30) is washable and disposable (see col. 1, line 66 through col. 2, line 4). Van Winkle, Sr. discloses filter (42) which remove particulates and contaminants in the air preferably made of a washable reusable material (see col. 5, lines 33-37). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide a washable or cleanable filter medium as taught by either Greisz or Van Winkle, Sr. in the filter apparatus of Suzuki et al and Tanaka et al since it is economical to produce a washable or cleanable filter medium so that the filter element can be reused as many times as possible to save cost.

Claims 18-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al (2004/0187451 A1), in view of Tanaka et al (2004/0168417), and further in view of Chung et al (6,660,070 B2).

Claims 18-26 call for control means with sensor for indicating whether the filter needs to be cleaned or replaced. Chung et al disclose an air quality sensor to monitor the air quality condition of the filter wherein a microprocessor is programmed to control the speed of the fan automatically according to the air quality control (see Abstract). It

would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide control means for air quality control as taught by Chung et al in the air purifier of Suzuki et al and Tanaka et al since the control means would effectively indicate and notify the user when the dirty filter needs to be changed out for life.

### ***Response to Amendment***

Applicant's arguments filed on June 15, 2006 have been fully considered but they are not persuasive.

Applicant amends the claims to include the feature "an outdoor electronic equipment enclosure having an inlet for intaking ambient air into the enclosure and an outlet for outputting air from the enclosure" and argues that none of the cited references discloses such a feature. The Examiner respectfully disagrees. The primary reference Suzuki et al shows other embodiments of the invention in Figs. 10, 12, 17 and 18 wherein Suzuki et al clearly show: the enclosure (1) having an inlet (21) for intaking ambient air into the enclosure (1) and an outlet (22) for outputting air from the enclosure (1) (see 21 and 22 in Figs. 10, 12, 17 and 18, page 6, paragraphs 0141 and 0143). In addition, the limitation "an outdoor electronic equipment enclosure having an inlet for intaking ambient air into the enclosure and an outlet for outputting air from the enclosure" is recited in the preamble of the claims and this recitation has not been given patentable weight because it has been held that a preamble is denied the effect of a limitation where the claim is drawn to a structure and the portion of the claim following the preamble is a self-contained description of the structure not depending for

completeness upon the introductory clause. See Kropa v. Robbie, 88 USPQ 478 (CCPA).

In response to applicant's argument that Suzuki et al is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Suzuki et al disclose a filter system having at least two filter elements for use in an electronic enclosure, which is clearly in the field of applicant's endeavor, as claimed.

Applicant's arguments with respect to claims 1, 4-5, 10, 18-23 and 25-38 have been thoroughly considered but are moot in view of the rejections, as discussed above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh-Chau T. Pham whose telephone number is (571) 272-1163. The examiner can normally be reached on Mon/Tues/Thur/Fri 7:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



**Minh-Chau Pham**  
**Patent Examiner**  
**Art Unit : 1724**  
**August 11, 2006**